

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:10cv97**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>DEFAULT JUDGMENT</b>
	)	<b>OF FORFEITURE</b>
<b>1998 LEXUS LS400,</b>	)	
<b>VIN. JT8BH28F7W0125168, and</b>	)	
<b>2000 LINCOLN LS,</b>	)	
<b>VIN. 1LNHM87A9YY758853,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Plaintiff's Motion for Judgment by Default, Entry of Judgment, and Final Order of Forfeiture [Doc.7].

**PROCEDURAL AND FACTUAL HISTORY**

The Plaintiff initiated this civil *in rem* action for forfeiture pursuant to 21 U.S.C. §881 on May 5, 2010. [Doc. 1]. In support of the Complaint, the Plaintiff filed the verification of Officer Cecilia Rossell of the Henderson County Sheriff's Department. [Id., at 8]. On October 13, 2009, members of the Henderson County Sheriff's Department executed a search warrant at a

residence located at 214 Corn Mountain Road, Hendersonville, North Carolina. [Id., at 3]. That residence was occupied by Michael David Jones at the time. [Id.]. Both of the Defendant vehicles were at the Corn Mountain property during the execution of the warrant. [Id.]. Each of the vehicles was registered to Karen Sanders Jones. [Id.].

The officers discovered four \$20.00 and two \$50.00 bills in United States currency inside the Lincoln. [Id.]. The serial numbers on these bills corresponded with those on currency given by a confidential informant to Michael Jones in exchange for marijuana. [Id.]. An additional sum of currency was also found inside the Lincoln and the next day, a trained drug detection dog gave a positive alert to a bag containing the currency. [Id.].

The officers were aware that in January 2009, a confidential informant made a controlled purchase of marijuana from Michael Jones and that Jones had driven the Lexus to and from the location of that purchase. [Id., at 4]. During the October 13, 2009 search, the officers found a small amount of marijuana inside the Lexus. [Id.]. On October 15, 2009, a trained drug detection dog gave a positive alert to the Lexus. [Id.].

Karen Jones made a voluntary statement to law enforcement authorities but was unable to state when or where or from whom she had purchased the two vehicles at issue. [Id.].

Thereafter, the case was referred to the United States Attorney's office for judicial forfeiture proceedings. 19 U.S.C. §1608; 21 C.F.R. §1316.78. On May 24, 2009, the Government attempted to send notice to Michael Jones that this proceeding had been filed. [Doc. 5-1]. The notice was returned as undeliverable. [Id.]. On May 18, 2010, Michael Jones, in care of Roy Neill, Esq., received notice that this proceeding had been filed as well as a copy of the civil *in rem* Complaint. [Doc. 5-3]. The documents, sent to Jones in care of the attorney, were accepted by counsel.

On May 20, 2010, Karen Jones received notice that this proceeding had been filed. [Doc. 5-2]. In addition, the United States Attorney served copies of the civil *in rem* Complaint on Karen Jones. [Id.].

Notice of civil forfeiture was posted on an official government internet site, [www.forfeiture.gov](http://www.forfeiture.gov), for at least 30 consecutive days beginning on June 17, 2010. [Doc. 4-1]. There were no claims or answers filed in this matter.

On the Plaintiff's motion, the Clerk of Court entered default on September 30, 2010 as to all persons and entities. [Doc. 6].

## **DISCUSSION**

Neither Michael David Jones nor Karen Sanders Jones filed a claim or answer in this civil forfeiture action as is required by Rule G(5)(a) & (b) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

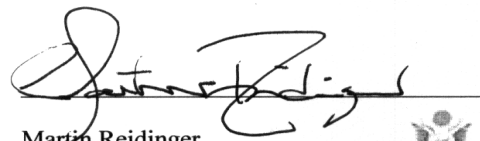
As a result, each is in default.

The Court therefore finds that the Plaintiff has established that no potential claimant has timely filed a claim or otherwise answered and default judgment is appropriate.

### **JUDGMENT**

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** that the Plaintiff's Motion for Judgment by Default, Entry of Judgment, and Final Order of Forfeiture [Doc.7] is hereby construed as a Motion for Default Judgment of Forfeiture and as so construed is hereby **GRANTED** and Default Judgment against the Defendant 1998 Lexus LS400, Vin. JT8BH28F7W0125168 and the Defendant 2000 Lincoln LS, Vin. 1LNHM87A9YY758853, is hereby **ENTERED** in favor of the United States of America.

Signed: November 11, 2010

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger  
United States District Judge

